

Notice of Allowability

Application No.

10/005,808

Examiner

Akiba K. Robinson-Boyce

Applicant(s)

DINWOODIE, DAVID L.

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 11/02/05.
2. ☒ The allowed claim(s) is/are 15-177.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 15-177 are allowed.
2. The following is an examiner's statement of reasons for allowance:

None of the prior art of record either individually or in combination teach the following:

-A method for conducting an auction where a variable controlled time window is used to determine a period in which to accept bid acceptance signals.

-A method for conducting an auction where a bid acceptance time window is used to determine a period in which to accept bid acceptance signals, and then adjusted before accepting subsequent bid acceptance signals to a modified bid acceptance time window by modifying the variable controlled amount of time delay after broadcasting the asking bid and before beginning the bid acceptance time window.

-A method for conducting an auction where a programmed delay time period is used to determine a period in which to accept bid acceptance signals.

-A method for conducting an auction where a bid acceptance time window is used to determine a period in which to accept bid acceptance signals after delaying a controlled amount of time following accepting the prior asking bid.

The present invention teaches an interactive remote auction bidding system for conducting an auction among participants where variable controlled time windows are used to determine periods in which bid acceptance signals can be accepted. The first allowable feature of conducting an auction where a variable controlled time window is used to determine a period in which to accept bid acceptance signals is not disclosed by

Art Unit: 3639

any prior art reference. The closest prior art, Woolston (US 6,202,051) discloses a computerized electronic database of data records on the Internet presented for auction to an audience of participants through a worldwide web mapping module, which translates information from the data record on the computerized database of records to a hypertext markup language received on the item from participants on the internet through an auction process executing in conjunction with the computerized database. The next closest prior art, Godin et al (US 5,890,138) discloses an auction system which allows users to participate using their own computers suitable connected to the auction system via the Internet. The next closest prior art Risberg et al (US 5,339,392) discloses an apparatus and method for creation of a user definable video displayed document showing changes in real time data. The next closest prior art, Ausubel, (US 5,905,975) discloses a computer implemented system and method of executing an auction. The first newly cited art, Clark et al (US 5,953,229) discloses a system where a request for a bid is sent, which includes a time window in which the requested task must be performed. Once the bid time window is committed to, there is no constraint on when the actual task will be performed within the commitment window, however window parameters may be adjusted to accommodate other tasks that may be scheduled at a later time. The next newly cited art, Fisher et al (EP 0 900 424 B1) discloses a method and system for conducting a multi-bidder, interactive auction without using a human auctioneer to conduct the auction, where a group of bidders interactively place bids over a network, bids are automatically recorded, bidders are updated with the current auction status information, the auction is closed when appropriate, and winning/looser

Art Unit: 3639

bidders are notified as to the auction outcome. The next newly cited art Kyle et al discloses a system that apply an increase to time windows for bidding firms. However, neither Woolston, Godin et al, Risberg et al, Ausubel, Clark et al, Fisher et al, nor Kyle et al disclose a method for conducting an auction where a variable controlled time window is used to determine a period in which to accept bid acceptance signals. This distinct feature has been added to independent claim 15, and renders it and all claims which depend from it (claims 16-61) allowable.

The second allowable feature of conducting an auction where a bid acceptance time window is used to determine a period in which to accept bid acceptance signals, and then adjusted before accepting subsequent bid acceptance signals to a modified bid acceptance time window by modifying the variable controlled amount of time delay after broadcasting the asking bid and before beginning the bid acceptance time window is not disclosed by any prior art reference. The closest prior art, Woolston (US 6,202,051) discloses a computerized electronic database of data records on the Internet presented for auction to an audience of participants through a worldwide web mapping module, which translates information from the data record on the computerized database of records to a hypertext markup language received on the item from participants on the internet through an auction process executing in conjunction with the computerized database. The next closest prior art, Godin et al (US 5,890,138) discloses an auction system which allows users to participated using their own computers suitable connected to the auction system via the Internet. The next closest prior art Risberg et al (US 5,339,392) discloses an apparatus and method for creation of

a user definable video displayed document showing changes in real time data. The next closest prior art, Ausubel, (US 5,905,975) discloses a computer implemented system and method of executing an auction. The first newly cited art, Clark et al (US 5,953,229) discloses a system where a request for a bid is sent, which includes a time window in which the requested task must be performed. Once the bid time window is committed to, there is no constraint on when the actual task will be performed within the commitment window, however window parameters may be adjusted to accommodate other tasks that may be scheduled at a later time. The next newly cited art, Fisher et al (EP 0 900 424 B1) discloses a method and system for conducting a multi-bidder, interactive auction without using a human auctioneer to conduct the auction, where a group of bidders interactively place bids over a network, bids are automatically recorded, bidders are updated with the current auction status information, the auction is closed when appropriate, and winning/looser bidders are notified as to the auction outcome. The next newly cited art Kyle et al discloses a system that apply an increase to time windows for bidding firms. However, neither Woolston, Godin et al, Risberg et al, Ausubel, Clark et al, Fisher et al, nor Kyle et al disclose a method for conducting an auction where a bid acceptance time window is used to determine a period in which to accept bid acceptance signals, and then adjusted before accepting subsequent bid acceptance signals to a modified bid acceptance time window by modifying the variable controlled amount of time delay after broadcasting the asking bid and before beginning the bid acceptance time window. This distinct feature has been added to independent claim 62, and renders it and all claims which depend from it (claims 63-102) allowable.

Art Unit: 3639

The third allowable feature of conducting an auction where a programmed delay time period is used to determine a period in which to accept bid acceptance signals is not disclosed by any prior art reference. The closest prior art, Woolston (US 6,202,051) discloses a computerized electronic database of data records on the Internet presented for auction to an audience of participants through a worldwide web mapping module, which translates information from the data record on the computerized database of records to a hypertext markup language received on the item from participants on the internet through an auction process executing in conjunction with the computerized database. The next closest prior art, Godin et al (US 5,890,138) discloses an auction system which allows users to participated using their own computers suitable connected to the auction system via the Internet. The next closest prior art Risberg et al (US 5,339,392) discloses an apparatus and method for creation of a user definable video displayed document showing changes in real time data. The next closest prior art, Ausubel, (US 5,905,975) discloses a computer implemented system and method of executing an auction. The first newly cited art, Clark et al (US 5,953,229) discloses a system where a request for a bid is sent, which includes a time window in which the requested task must be performed. Once the bid time window is committed to, there is no constraint on when the actual task will be performed within the commitment window, however window parameters may be adjusted to accommodate other tasks that may be scheduled at a later time. The next newly cited art, Fisher et al (EP 0 900 424 B1) discloses a method and system for conducting a multi-bidder, interactive auction without using a human auctioneer to conduct the auction, where a group of bidders

Art Unit: 3639

interactively place bids over a network, bids are automatically recorded, bidders are updated with the current auction status information, the auction is closed when appropriate, and winning/looser bidders are notified as to the auction outcome. The next newly cited art Kyle et al discloses a system that apply an increase to time windows for bidding firms. However, neither Woolston, Godin et al, Risberg et al, Ausubel, Clark et al, Fisher et al, nor Kyle et al disclose a method for conducting an auction where a programmed delay time period is used to determine a period in which to accept bid acceptance signals. This distinct feature has been added to independent claim 103, and renders it and all claims which depend from it (claims 104-145) allowable.

The fourth allowable feature of conducting an auction where a bid acceptance time window is used to determine a period in which to accept bid acceptance signals after delaying a controlled amount of time following accepting the prior asking bid is not disclosed by any prior art reference. The closest prior art, Woolston (US 6,202,051) discloses a computerized electronic database of data records on the Internet presented for auction to an audience of participants through a worldwide web mapping module, which translates information from the data record on the computerized database of records to a hypertext markup language received on the item from participants on the internet through an auction process executing in conjunction with the computerized database. The next closest prior art, Godin et al (US 5,890,138) discloses an auction system which allows users to participated using their own computers suitable connected to the auction system via the Internet. The next closest prior art Risberg et al

Art Unit: 3639

(US 5,339,392) discloses an apparatus and method for creation of a user definable video displayed document showing changes in real time data. The next closest prior art, Ausubel, (US 5,905,975) discloses a computer implemented system and method of executing an auction. The first newly cited art, Clark et al (US 5,953,229) discloses a system where a request for a bid is sent, which includes a time window in which the requested task must be performed. Once the bid time window is committed to, there is no constraint on when the actual task will be performed within the commitment window, however window parameters may be adjusted to accommodate other tasks that may be scheduled at a later time. The next newly cited art, Fisher et al (EP 0 900 424 B1) discloses a method and system for conducting a multi-bidder, interactive auction without using a human auctioneer to conduct the auction, where a group of bidders interactively place bids over a network, bids are automatically recorded, bidders are updated with the current auction status information, the auction is closed when appropriate, and winning/looser bidders are notified as to the auction outcome. The next newly cited art Kyle et al discloses a system that apply an increase to time windows for bidding firms. However, neither Woolston, Godin et al, Risberg et al, Ausubel, Clark et al, Fisher et al, nor Kyle et al disclose a method for conducting an auction where a bid acceptance time window is used to determine a period in which to accept bid acceptance signals after delaying a controlled amount of time following accepting the prior asking bid. This distinct feature has been added to independent claim 146, and renders it and all claims which depend from it (claims 147-177) allowable.

Art Unit: 3639


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

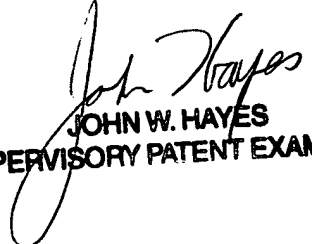
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


A. R. B.
January 17, 2006


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER